

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: BANK OF AMERICA CORP.  
SECURITIES, DERIVATIVE, AND  
EMPLOYEE RETIREMENT INCOME  
SECURITY ACT (ERISA) LITIGATION

Master File No. 09 MD 2058 (PKC)

ORDER FOLLOWING  
PRETRIAL CONFERENCE

-----X  
THIS DOCUMENT RELATES TO:

ALL ACTIONS

-----X  
P. KEVIN CASTEL, District Judge:

Following a pretrial conference held today in the above-captioned matter, it is  
hereby ORDERED that:

Defendant Bank of America Corporation's Motion for Clarification of the Court's  
December 17 Order and for Entry of a Protective Order (MDL Docket No. 144), is DENIED as  
moot;

Within ten days, Lead Plaintiffs in the Consolidated Derivative Action shall file  
an amended complaint setting forth in paragraphs 83 and 84 the citizenship of the two defendants  
which are alleged to be limited liability companies or, alternatively, disclaiming diversity of  
citizenship as a basis for this Court's subject matter jurisdiction;

The following actions are consolidated for all purposes, and within ten days,  
plaintiffs in these actions shall file a consolidated complaint: Stiching Pensioenfonds ABP v.  
Bank of America Corporation, No. 10 Civ. 2284 (PKC), Finger v. Bank of America Corporation,  
No. 10 Civ. 2408 (PKC), Weintraub v. Bank of America Corporation, No. 10 Civ. 2409 (PKC),  
Finger v. Bank of America Corporation, No. 10 Civ. 2410 (PKC), Finger v. Bank of America

mailed to plaintiff in Koenick.

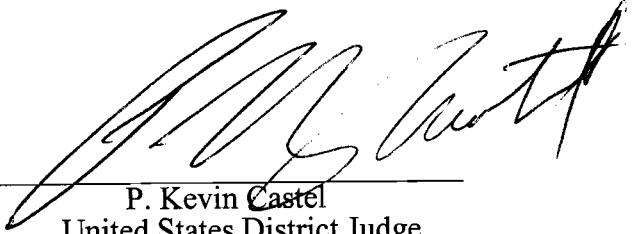
Corporation, No. 10 Civ. 2411 (PKC), Katz v. Bank of America Corporation, No. 10 Civ. 3099 (PKC), Katz v. Bank of America Corporation, No. 10 Civ. 3248 (PKC), and Jalenak v. Bank of America Corporation, No. 10 Civ. 3248 (PKC). Plaintiffs shall file that consolidated complaint in the action captioned Stiching Pensioenfonds ABP v. Bank of America Corporation, No. 10 Civ. 2284 (PKC), and the dockets in Finger v. Bank of America Corporation, No. 10 Civ. 2408 (PKC), Weintraub v. Bank of America Corporation, No. 10 Civ. 2409 (PKC), Finger v. Bank of America Corporation, No. 10 Civ. 2410 (PKC), Finger v. Bank of America Corporation, No. 10 Civ. 2411 (PKC), Katz v. Bank of America Corporation, No. 10 Civ. 3099 (PKC), Katz v. Bank of America Corporation, No. 10 Civ. 3248 (PKC), and Jalenak v. Bank of America Corporation, No. 10 Civ. 3248 (PKC) are ADMINISTRATIVELY CLOSED;

The motions to dismiss in the actions captioned Bahnmaier v. Bank of America Corporation, No. 09 Civ. 5411 (PKC) (MDL Docket Nos. 112 and 116) and Koenick v. Lewis, No. 10 Civ. 2425 (PKC) (MDL Docket No. 256) are WITHDRAWN, without prejudice to defendants refiling the motions 30 days after a decision on the motion to dismiss in the Consolidated Securities Action, and defendants' time to answer or otherwise respond to those complaints is adjourned to that date; and

The time for defendants in the action captioned Bahnmaier v. Bank of America Corporation, No. 10 Civ. 1234 (PKC), to answer or otherwise respond to the complaint in that action is extended to 30 days after a decision on the motion to dismiss the Consolidated Derivative Action.

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SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
May 19, 2010